

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-THIRD LEGISLATURE

**TWENTY-FOURTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 3, 2016**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent – Wood. Total – 1.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Olivia Thomas, Page.

3RD ORDER

Approval of Journal

February 3, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-third Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

4TH ORDER

Consideration of Messages from the Governor and the Senate

February 2, 2016

Mr. Speaker:

I transmit herewith [SCR 133](#) which has passed the Senate.
NOVAK, Secretary

[SCR 133](#) was filed for first reading.

February 2, 2016

Mr. Speaker:

I return herewith [H 363](#) and [H 364](#) which have passed the Senate.

NOVAK, Secretary

[H 363](#) and [H 364](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

5TH ORDER

Report of Standing Committees

February 3, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 30](#), [H 432](#), [H 433](#), [H 434](#), [H 435](#), and [H 436](#).

WILLS, Chairman

[HCR 30](#) and [H 436](#) were filed for second reading.

[H 432](#) and [H 433](#) were referred to the Business Committee.

[H 434](#) was referred to the Judiciary, Rules, and Administration Committee.

[H 435](#) was referred to the Commerce and Human Resources Committee.

February 3, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 342](#) and [H 349](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 342](#) and [H 349](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 2, 2016

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 392](#) and recommend that it do pass.

DEMORDAUNT, Chairman

[H 392](#) was filed for second reading.

February 3, 2016

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 386](#), [H 391](#), and [H 346](#) and recommend that they do pass.

COLLINS, Chairman

[H 386](#), [H 391](#), and [H 346](#) were filed for second reading.

February 3, 2016

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 373](#) and recommend that it do pass.

WOOD, Chairman

[H 373](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

7TH ORDER

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 31 BY EDUCATION COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE,
RECOGNIZING THE IMPORTANCE OF MUSIC
EDUCATION IN IDAHO SCHOOLS AND RECOGNIZING
MUSIC IN OUR SCHOOLS MONTH.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the study of music is basic to a complete education, provides a competitive edge for successful educational reform, engages students in individual and group activity, contributes to young people's development through listening, reading, self-expression and creativity, develops creativity, problem-solving, and critical and evaluative skills; and

WHEREAS, music education helps students acquire skills in production and performance of music, as well as an understanding of history and culture; and

WHEREAS, music education in the schools includes a broad range of types of music and active musical experiences; and

WHEREAS, music and the other arts significantly enhance the morale and quality of the school environment; and

WHEREAS, the United States Congress passed the Every Student Succeeds Act in 2015, which incorporates music among those subjects included in the definition of a "well-rounded education" and articulates that music should be part of every child's education regardless of personal circumstance; and

WHEREAS, Music In Our Schools Month is the National Association for Music Education's annual monthlong celebration held every March since 1985 to engage music educators, students and communities in promoting the benefits of high-quality music education programs in schools; and

WHEREAS, the Idaho Music Educators Association is concerned with maintaining and improving school music programs for all students regardless of their socioeconomic status or their abilities.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize and commend the Idaho Music Educators Association for its concern for and efforts to enhance the quality of music education in Idaho schools.

BE IT FURTHER RESOLVED that we hereby recognize the month of March, 2016, throughout the state as Music In Our Schools Month, and we endorse the observance of Music In Our Schools Month as an opportunity to support the purposes and practices of music education and encourage teachers, students and all citizens to participate.

HCR 31 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

SCR 133, by Buckner-Webb, Burgoyne, Lacey, Ward-Engelking, was introduced, read the first time by title, and held at the Desk.

8TH ORDER

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 437

BY TRANSPORTATION AND DEFENSE COMMITTEE AN ACT

RELATING TO THE MOTORBIKE RECREATION ACCOUNT; AMENDING SECTION 67-7127, IDAHO CODE, TO PROVIDE FOR REMITTANCE OF FUNDS FROM THE MOTORBIKE RECREATION ACCOUNT TO COUNTIES WITH AN OFF-HIGHWAY VEHICLE PROGRAM AND TO PROVIDE WHAT THOSE FUNDS MAY BE USED FOR AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 438

BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO HOSPITAL DISTRICTS; AMENDING SECTION 39-1326, IDAHO CODE, TO PROVIDE THAT THE BOARD OF TRUSTEES OF A HOSPITAL DISTRICT MAY APPOINT CERTAIN BOARD MEMBERS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 39-1329, IDAHO CODE, TO REVISE PROVISIONS

REGARDING A BOARD QUORUM AND BOARD VACANCIES.

H 437 and **H 438** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

10TH ORDER

Second Reading of Bills and Joint Resolutions

H 387, by State Affairs Committee, was read the second time by title and filed for third reading.

H 371, by Business Committee, was read the second time by title and filed for third reading.

H 378, by Resources and Conservation Committee, was read the second time by title and filed for third reading.

H 377, by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

11TH ORDER

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that **H 340** retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

H 372 - CONTAINERS

H 372 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Kauffman to open debate.

The question being, "Shall **H 372** pass?"

Roll call resulted as follows:

AYES – Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Chaney, Cheatham, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Kauffman, Kerby, Loertscher, Luker, Malek, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Packer, Palmer, Perry, Raybould, Redman, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, Vander Woude, Wills, Youngblood, Mr. Speaker. Total – 52.

NAYS – Anderson, Burtenshaw, Chew, Erpelding, Gannon, Jordan, King, Kloc, McCrostie, Nye, Pence, Romrell, Rubel, Rudolph, Rusche, VanOrden, Wintrow. Total – 17.

Absent – Wood. Total – 1.

Total – 70.

Whereupon the Speaker declared that **H 372** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 376 - CIGARETTE TAXES

H 376 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall [H 376](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Youngblood, Mr. Speaker. Total – 69.

NAYS – None.

Absent – Wood. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 376](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 403](#) - APPROPRIATIONS - IDAHO STATE POLICE

[H 403](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Youngblood to open debate.

The question being, "Shall [H 403](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Youngblood, Mr. Speaker. Total – 69.

NAYS – None.

Absent – Wood. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 403](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 335](#) - CONTROLLED SUBSTANCES

[H 335](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Chew to open debate.

The question being, "Shall [H 335](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald,

McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Youngblood, Mr. Speaker. Total – 69.

NAYS – None.

Absent – Wood. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 335](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 336](#) - PHARMACY BOARD

[H 336](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Chew to open debate.

The question being, "Shall [H 336](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Erpelding, Gannon, Gestrin, Gibbs, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, Mendive, Miller, Monks, Moyle, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Youngblood, Mr. Speaker. Total – 63.

NAYS – Dixon, Harris, McMillan, Nate, Nielsen, Scott. Total – 6.

Absent – Wood. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 336](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 337](#) - PRESCRIPTIONS

[H 337](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Chew to open debate.

The question being, "Shall [H 337](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Youngblood, Mr. Speaker. Total – 69.

NAYS – None.

Absent – Wood. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 337](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 338](#) - LEGEND DRUGS

[H 338](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Chew to open debate.

The question being, "Shall [H 338](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Youngblood, Mr. Speaker. Total – 69.

NAYS – None.

Absent – Wood. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 338](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 339](#) - CONTROLLED SUBSTANCES

[H 339](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Chew to open debate.

The question being, "Shall [H 339](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Youngblood, Mr. Speaker. Total – 69.

NAYS – None.

Absent – Wood. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 339](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 380](#) - INCOME TAXES

[H 380](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

The question being, "Shall [H 380](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Gestrin, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Kauffman, Kerby, Loertscher, Luker, Malek, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Perry, Raybould, Redman, Scott, Shepherd, Sims, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Youngblood, Mr. Speaker. Total – 53.

NAYS – Bell, Chew, Erpelding, Gannon, Gibbs, Jordan, King, Kloc, McCrostie, Pence, Romrell, Rubel, Rudolph, Rusche, Smith, Wintrow. Total – 16.

Absent – Wood. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 380](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Fifteenth Order of Business.

15TH ORDER Announcements

Announcements were made to the body.

16TH ORDER Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Thursday, February 4, 2016. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:20 p.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk